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7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF WASHINGTON**

9 UNITED STATES OF AMERICA

10 Plaintiff,

11 vs.

12 CALVIN J. HUNT,

13 Defendant(s).  
14  
15

) Case No. 1:21-CR-2029-SAB-2

) DEFENDANT HUNT'S  
) PROPOSED JURY INSTRUCTION

16  
17 COMES NOW the defendant, Calvin J. Hunt, through his attorney, Ulvar W.  
18 Klein, and submits the following proposed jury instructions.  
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PROPOSED JURY INSTRUCTION NO. 1

The defendant, Calvin James Hunt, is charged in the indictment with involuntary manslaughter in violation of Section 1112 of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, between on or about March 27, 2020, and on or about March 29, 2020, in the Eastern District of Washington, the defendant committed an act or omission that might produce death, to wit: the defendant allowed S.R., a minor child, to be in an area, to wit: a camper-trailer on property located at 10891 West Wapato Road, the defendant knew to contain pills and residue from the use of pills the defendant believed contained and had reason to believe contained fentanyl;

Second, the defendant had a duty at the time to protect SR from the potential harm;

Third, the defendant acted with gross negligence, defined as wanton or reckless disregard for human life;

Fourth, the defendant's act was the proximate cause of the death of the victim. A

1 proximate cause is one that played a substantial part in bringing about the death, so  
2 that the death was the direct result or a reasonably probable consequence of the  
3 defendant's act;  
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6 Fifth, the death was unlawful as to this defendant;  
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9 Sixth, the defendant knew that such an act was a threat to the life of  
10 SR and knew of circumstances that would reasonably cause the defendant to foresee  
11 that such an act might be a threat to the life of SR;  
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13  
14 Seventh, the defendant's act occurred at a place within the external boundaries of  
15 the Yakama Nation Indian Reservation, which I instruct you is in Indian Country; and  
16

17  
18 Seventh, the defendant is an Indian.  
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20 [The defendant, Calvin James Hunt, stipulates that the defendant's act occurred  
21 at a place within the external boundaries of the Yakama Nation Indian Reservation  
22 and that the defendant is an Indian.]  
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24 9th Cir. Pattern Jury Intr. 16.4 (2019); 24.14 (2019) (modified and conforming to the  
25 Indictment, ECF 192, referencing LaFave, Substantive Criminal Law, 3<sup>rd</sup> Edition, §  
26 15.5(a) p. 723).  
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PROPOSED INSTRUCTION NO. 2

While a parent is present, it is the parent's responsibility to care for and make decisions for the child. Houseguests do not assume parental status simply by being present.

See LaFave, Substantive Criminal Law, 3<sup>rd</sup> Edition, § 15.4(b), p. 726-727

INSTRUCTION NO. 3

One has no legal obligation to aid another in peril, even when that aid can be rendered without danger or inconvenience to oneself. He need not shout a warning to blind man headed for a precipice or to an absent minded one walking into a gun powder room with a lighted candle in hand. He need not pull a neighbor's baby out of a pool of water or rescue an unconscious person stretched across the railroad tracks, though the baby is drowning or the whistle of an approaching train is heard in the distance.

LaFave, Substantive Criminal Law, 3<sup>rd</sup> Edition, § 6.2(a) p. 591

Respectfully submitted November 12, 2023

/s/ Ulvar W. Klein  
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CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notifications of such filing to AUSA Tim Ohms and Michael Ellis.

s/ Robin Emmans  
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